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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,884	06/24/2003	Guillermo R. Villalobos	NC 84,352	5995

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EXAMINER

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ART UNIT	PAPER NUMBER
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1775

DATE MAILED: 09/14/2005

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/601,884
Filing Date: June 24, 2003
Appellant(s): VILLALOBOS ET AL.

George A. Kap
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/17/2005 appealing from the Office action mailed 2/10/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following ground(s) of rejection are applicable to the appealed claims:

3,768,990

Sellers et al.

10-1973

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4-5 and 19-20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sellers et al. (US 3,768,990).

(10) Response to Argument

Appellant argues that claims 1, 4-5, 19 and 20 are not anticipated nor obvious over the Sellers because Sellers discloses that loss of the sintering aid lithium fluoride is to be avoided by heating for not more than about 30 minutes.

Sellers discloses the same transparent sintered body of magnesia-alumina spinel having high transparency for a wide range of wavelengths as claimed (col. 4, lines 1-15).

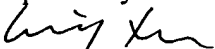
Sellers also discloses that the sintering aid lithium fluoride (LiF) powder for making the transparent sintered body is uniformly mixed in the fine spinel powder (col. 3, lines 1-35) in order to accelerates the densification of the shaped body and provides the sintered body with uniform properties. The sintering process involves two steps: in step one, Sellers discloses that it is desirable to avoid total loss of the sintering aid LiF by heating the mixture of the spinel powder and the sintering aid for no more than about 30 minutes as indicated by the appellant. However, in step two (col. 3, lines 35-51), Sellers discloses that the temperature applied to the spinel mixture is raised from about 1300°C to 1600°C for up to 3 hours, which would cause the LiF sintering aid to vaporize. This temperature range is actually within or slightly higher than the temperature ranged of 1200°C-1550°C employed by the appellant in the present application, see page 8 of the Remarks/Argument filed on 1/7/2005. Appellant stated on page 8 of the Remarks/Argument that temperature about 1200°C to 1500°C is “too high for the sintering aid to

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remain in the product.” Accordingly, the sintering aid LiF in Sellers is removed from the spinel product in step two of the sintering process. The final sintered spinel product of Sellers anticipates the recitation “essentially devoid of a sintering aid....” in claim 1.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Ling X. Xu

Primary Examiner

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August 30, 2005

Conferees

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